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Transmission by Facsimile on February 19, 2007

FFB **2 0** 2007

PATENT

Dkt. No. HO-P02393US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Timothy E. Grib, Michael A. Brown

Assignee:

WILTEL COMMUNICATIONS GROUP, INC.

Application No.:

09/964,232

Group No.: 2143

Filed:

September 26, 2001

Examiner: Kyung H. Shin

For: METHOD AND APPARATUS FOR PERFORMANCE MEASUREMENT OF DIFFERENT NETWORK ROUTES BETWEEN DEVICES

Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES (37 C.F.R. § 41.31)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed January 24, 2007, for a second time rejecting claims 1-29.

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Notice of Appeal is:

Other than a small entity: \$500.00

Notice of Appeal fee due: \$500.00

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a)

I hereby certify that, on the date shown below, this correspondence is being:

TRANSMISSION

■ facsimile transmitted to the Patent and Trademark Office, (571) <u>273</u> - 8300.

Date: February 19, 2007

Tiffiany Koch

(type or print name of person certifying)

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3. EXTENSION OF TERM

FEB 2 0 2007

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for 1:

Fee: \$120.00

If an additional extension of time is required, please consider this a petition therefor.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee:

\$500.00

Extension fee:

\$120.00

TOTAL FEE DUE

\$620.00

5. FEE PAYMENT

Authorization is hereby made to charge the amount of \$620.00 to credit card as shown on the attached credit card information authorization form PTO-2038.

Respectfully submitted,

Date: 19-07

Daniel P. Dooley, USPTO Registration No. 46,369 Fellers, Snider, Blankenship, Bailey & Tippens

100 N. Broadway, Suite 1700 Oklahoma City, OK 73102-8820

Telephone: 405-232-0621 Facsimile: 405-232-9659

R. Alan Weeks, USPTO Reg. No.: 36,050 Fellers, Snider, Blankenship, Bailey & Tippens

321 South Boston Ave., Suite 800

Tulsa, OK 74103-3318

Telephone No.: (918) 599-0621 Facsimile No.: (918) 583-9659

Customer No.: 22206